

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OJEA CROSBY,

v.

POLICE OFFICER

NATHANIEL HARPER, et al.

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CIVIL ACTION

NO. 13-4446

AND NOW, this ^{8th} day of January, 2014, upon careful and independent consideration of the pleadings and record herein, and after review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter, it is hereby

ORDER

1. The Report and Recommendation is **APPROVED** and **ADOPTED**; and
2. the Motion to Dismiss Plaintiff's Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6) and Motion to Strike Pursuant to Federal Rule of Civil Procedure 12(b)(5) (Doc. 16) (the "Motion") filed by defendant Wal-Mart Stores East, L.P. ("Wal-Mart") is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. The Motion is **GRANTED** to the extent that it seeks to dismiss all claims pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1985 against Wal-Mart.

b. The Motion is **GRANTED** to the extent that it seeks to strike Count XII (Punitive Damages) of plaintiff's Complaint.

c. The Motion is **DENIED AS MOOT** with respect to the Motion to Strike the Waivers of Service of Summons relating to defendants Alexander Manners, Jose Borrero, and Jose Montalvo.

- d. Plaintiff's request for leave to amend her complaint is **DENIED**.

BY THE COURT:

A handwritten signature in black ink, appearing to read "E. C. Robreno", written above a horizontal line.

EDUARDO C. ROBRENO, J.